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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,894	08/29/2001	Eric D. Anderson	500247.02	2382

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EXAMINER

ENGLAND, DAVID E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/943,894

Applicant(s)

ANDERSON, ERIC D.

Examiner

David E. England

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2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11 - 29 and 37 - 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 - 29 and 37 - 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3,5,7</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 11 – 29 and 37 – 44 are presented for examination.
2. In the remarks, Applicant argues in substance that states that Habusha fails to teach anything regarding management of messages with respect to determining whether there is an indication that a message is designated for multiple users or not. In particular, Habusha does not teach determining whether multiple recipients for the message have been indicated and/or taking any action related thereto such as saving the message or sending the message in response to a request from a designated recipient.
3. As to part 1, since the Applicant failed to point out which claim the first remark is in regards to the Examiner will assume that the Applicant meant to address claims 11, 23, 37 and 41. As per claims 11, 23, 37 and 41 Examiner had made a grammatical error in stating that Habusha taught multiple recipients have been indicated. Although, if the Applicant would draw their attention to the other section of the claims wherein Boyle teaches multiple recipients having been indicated, (e.g. col. 25, line 41 – col. 26, line 34), and also teaches multiple recipients having been indicated, (e.g. col. 7, lines 15 – 21). Furthermore, in the rejection Examiner give a motivational statement that states why it would be obvious to one skilled in the art at the time the invention was made to combine Habusha and Boyle.
4. As to Habusha not teaching the section of claim that states: in response to a request for the electronic communication from a recipient, sending the electronic communication to the recipient. The Examiner believes that the Applicant and/or the Examiner miss aliened

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the end of the section of reference that was cited, (e.g. col. 6, lines 27 – 40). If the Applicant would draw their attention to the sentence that is at the end of the section that Examiner quoted, states:

5. After receiving the packets 156 from the node 82, the node 84 sends a session acknowledgement packet 140 or alternatively message packets 160 which include the session acknowledgment information.
6. which does teach the section of claim stated above.
7. In the remarks, Applicant argues that Boyle fails to disclose anything regarding determining the fate of “data” depending upon whether there is an indication that the data is intended for multiple recipients or not. The Applicant further goes into arguing that Boyle is totally unrelated to saving and/ or deleting the data dependent upon whether multiple users have indicated a request for data or no user has indicated that the data should be saved.
8. As to part 2, Applicant does not disclose any reference as to which claims in the application the Applicant would like to argue. Therefore, making it is unclear as to what the Applicant is referring to. The Applicant draws attention to the Examiners reference of Boyle, (e.g. col. 7, lines 1 – 21). The only claim that has this reference is claim 17, but the claim does not teach anything about saving and/or deleting. The claims that do teach saving and/or deleting are claims 11, 13 – 16, 23, 25, 37, 39 – 41, 43 and 44. The Examiner would like to draw the Applicant’s attention to the claims describe above and the references that where used to overcome those limitations that are claimed in the

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claims 11, 13 – 16, 23, 25, 37, 39 – 41, 43 and 44 in the previous action. All of the limitations of claims 11, 13 – 16, 23, 25, 37, 39 – 41, 43 and 44 are met and still stand.

9. In the remarks, Applicant argues that assuming, without further analysis, that the Examiner is correct in characterizing Foldare as teaching determining that an electronic communication has been sent to all of the recipients and not deleting the stored message until all of the recipients have indicated that the electronic communication can be deleted, the deficiencies of the primary references are not cured by Foldare, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.
10. As to part 3, Examiner did not use the reference of Foldare in the rejection. The Examiner assumes that the Applicant meant the reference of Foldare (6311210). The Examiner sees no argument to support what the Applicant is stating. Examiner's rejection stands.
11. In the remarks, Applicant argues that assuming, without further analysis, that the Examiner is correct in characterizing Bosco as teaching notifying each of multiple recipients of an electronic communication without sending the electronic communication, the deficiencies of the primary references are not cured by Bosco, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

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12. As to part 4, the Examiner sees no argument to support what the Applicant is stating.

Examiner's rejection stands.

13. In the remarks, Applicant argues that assuming, without further analysis, that the

Examiner is correct in characterizing Foladare as teaching determining that an electronic communication has been sent to all of the recipients and not deleting the stored message until all of the recipients have indicated that the electronic communication can be deleted, the deficiencies of the primary references are not cured by Foladare, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

14. As to part 5, the Examiner sees no argument to support what the Applicant is stating.

Examiner's rejection stands.

15. In the remarks, Applicant argues that assuming, without further analysis, that the

Examiner is correct in characterizing Alumbaugh as teaching determining a period of time for which an electronic communication is stored, the deficiencies of the primary references are not cured by Alumbaugh, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

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16. As to part 6, the Examiner sees no argument to support what the Applicant is stating.

Examiner's rejection stands.

17. In the remarks, Applicant argues that assuming, without further analysis, that the

Examiner is correct in characterizing Wang as teaching notifying instructions for a

message being supplied by a recipient, the deficiencies of the primary references are not

cured by Wang, which fails to teach determining whether to save or send an electronic

message based upon whether multiple recipients have been indicated, and not sending the

saved electronic message until a request has been received from the recipient.

18. As to part 6, the Examiner sees no argument to support what the Applicant is stating.

Examiner's rejection stands.

19. In the remarks, Applicant argues that assuming, without further analysis, that the

Examiner is correct in characterizing Dillon as teaching notifying instructions that

indicate that the notifying is to be performed in an encrypted manner, the deficiencies of the

primary references are not cured by Dillon, which fails to teach determining whether to

save or send an electronic message based upon whether multiple recipients have been

indicated, and not sending the saved electronic message until a request has been received

from the recipient.

20. As to part 7, the Examiner sees no argument to support what the Applicant is stating.

Examiner's rejection stands.

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21. In the remarks, Applicant argues that assuming, without further analysis, that the Examiner is correct in characterizing Landfield as teaching automatically sending an electronic communication to a non-recipient authorized to access the electronic communication, the deficiencies of the primary references are not cured by Landfield, which fails to teach determining whether to save or send an electronic message based upon whether multiple recipients have been indicated, and not sending the saved electronic message until a request has been received from the recipient.

22. As to part 8, the Examiner sees no argument to support what the Applicant is stating. Examiner's rejection stands.

23. In short, the Examiner's rejection for claims 11 – 29 and 37 – 44 still stand as presented in the previous action.

### *Conclusion*

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England  
Examiner  
Art Unit 2143

De   
February 26, 2003

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**